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12 Attorneys for Plaintiff
13 ZACHARIAH JUDSON RUTLEDGE

14 UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 * * * * *

18 ZACHARIAH JUDSON RUTLEDGE,

19 Plaintiff,

20 vs.

21 COUNTY OF SONOMA, MICHAEL
22 POTTS, RUSSEL L. DAVIDSON,
23 JAMES PATRICK CASEY, CHRISTINE
24 M. COOK, BEAU R. MARTIN,
25 J. MICHAEL MULLINS, STEPHAN R.
26 PASSALACQUA, GREG JACOBS,
SONOMA COUNTY SHERIFF'S
DEPARTMENT, SONOMA COUNTY
DISTRICT ATTORNEY'S OFFICE,
and DOES 1 through 40.

Defendants.

) CASE NO.: CV 07-04274 CW

) **CORRECTED EXHIBIT 7 OF**
) **PLAINTIFF'S REQUEST**
) **FOR JUDICIAL NOTICE**
) **IN SUPPORT OF OPPOSITION**
) **TO DEFENDANTS' MOTION**
) **TO DISMISS**

) Date: June 12, 2008
) Time: 2:00 p.m.
) Courtroom: 2 (4th Floor)
) Judge: Hon. Claudia Wilken

1 COMES NOW Plaintiff, Zachariah Rutledge, and respectfully requests that the Court
2 take judicial notice, pursuant to Rules 201 and 302 of the Federal Rules of Evidence, of the
3 following documents:

4
5 Exhibit 7 - Denial of Plaintiff's claim issued by VCGCB, dated March 27, 2007;

6 A court may take judicial notice of matters of public record in ruling on a Rule 12(b)(6)
7 motion. Lee v. City of Los Angeles (9th Cir. 2001) 250 F.3d 668, 689. Additionally, in accordance
8 with the Federal Rules of Evidence 301, the official record from the California Government
9 Claims Program at the Victim Compensation and Government Claims Board, formerly the State
10 Board of Control, concerning the untimely "claim" by plaintiff is subject to judicial notice. State
11 of California Courts take judicial notice of this document under California Evidence Code § 452(c)
12 regarding official acts of a legislative/executive department of a state. Further, in Chas. L. Harney
13 v. State of California (1963) 217 Cal.App.2d 77, 85-86, the California Court of Appeal ruled that
14 the files of the Board of Control can be judicially noticed for purposes of a demurrer.

15
16 Dated: May 27, 2008

17 Respectfully submitted,

18
19 -----/s/-----
20 Editte Lerman
21 Attorney for Plaintiff
22 Zachariah Rutledge
23
24
25
26

DECLARATION OF SERVICE

I, Editte D. Lerman, declare as follows:

I am a resident of the State of California, residing or employed in Mendocino, California.
I am over the age of 18 years and am not a party to the above-entitled action. My business address is 45060 Ukiah Street P.O. Box 802, Mendocino C.A. 95460.

On May 27, 2008,

CORRECTED EXHIBIT 7 OF PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

was filed and served upon the following parties via the Court's PACER-ECF electronic filing system.

Attorneys for Defendant Michael Potts

EDMUND G BROWN, JR.
Attorney General of the State of California
JOHN P. DEVINE, ESQ.
Deputy Attorney General of the State of California
California Department of Justice
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Attorneys for Defendants County of Sonoma, Sonoma County Sheriff's Department, Sonoma County District Attorney's Office, Stephan Passalacqua, J. Michael Mullins, Greg Jacobs, Christine M. Cook, Russel L. Davidson, James Patrick Casey, and Detective

Beau M. Martin
Michael D. Senneff
Bonnie A. Freeman
SENNEFF FREEMAN & BLUESTONE, LLP
50 Old Courthouse Square, Suite 401
P.O. Box 3727
Santa Rosa, CA 95402-3729

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 27rd day of May, 2008, at Mendocino, California.

-----/s/-----
Editte Lerman

Exhibit 7



STATE OF CALIFORNIA
ARNOLD SCHWARZENEGGER, Governor

GOVERNMENT CLAIMS PROGRAM
400 R Street, 5th Floor ♦ Sacramento, California 95814
Mailing Address: P.O. Box 3035 ♦ Sacramento, California 95814
Toll Free Telephone Number 1-800-955-0045 ♦ Fax Number (916) 491-6443
Internet: www.vcgcb.ca.gov

ROSARIO MARIN
Secretary
State and Consumer Services Agency
Chairperson

JOHN CHIANG
State Controller
Board Member

MICHAEL A. RAMOS
San Bernardino County District Attorney
Board Member

KAREN McGAGIN
Executive Officer

Editte D Lerman
Attorney at Law
PO Box 802 45060 Ukiah St
Mendocino, CA 95460

March 27, 2007

RE: Claim G566507 for Zachariah J Rutledge

Dear Editte Lerman,

The Victim Compensation and Government Claims Board (VCGCB) received your claim on March 06, 2007.

We have reviewed your claim and determined that the VCGCB has no jurisdiction to consider the claim for the following reason(s):

Your claim was filed more than one year from the date of the incident that is the basis of the claim, and it is too late for the Board to consider an application to present a late claim.

The VCGCB will take no further action on your claim. If you have questions about this matter, please mention letter reference 47 and claim number G566507 when you call or write your claim technician or analyst at (800) 955-0045.

Sincerely,

Government Claims Division
Victim Compensation and Government Claims Board

Ltr 47 No Jurisdiction